

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**FORTIS CORPORATE INSURANCE, as
subrogee of Empire Resources, Inc.,**

07-cv-03731 (VM)

Plaintiff,

- against -

**TOTAL QUALITY LOGISTICS, INC. and
HILL'S TRUCKING, INC.,**

Defendants.

TOTAL QUALITY LOGISTICS, INC.,

Third-Party Plaintiff,

- against -

**BOLIVAR INSURANCE AND REAL ESTATE,
INC. and CANAL INSURANCE CO.,**

Third-Party Defendants.

**THIRD-PARTY ACTION:
CERTIFICATE OF SERVICE**

- 1) I, Sung Y. Ahn, am an attorney licensed to practice in the State of New York, admitted to practice in this Court and am an associate at Pak & Cho, P.C., attorneys for Total Quality Logistics, Inc. and I am fully familiar with the facts set forth herein.
- 2) On July 3, 2007, I caused to be served upon Canal Insurance Co., via personal service on the State of New York Insurance Dept., a true copy of a third-party summons and complaint in the above captioned action. (See attached Affidavit of Service and acknowledgment of receipt).
- 3) On July 13, 2007, I caused to be served upon Canal Insurance Company, via overnight mail service on the State of New York Insurance Dept., true copies of the original summons and complaint, answer and cross-claims. (See attached acknowledgment of receipt).

- 4) On July 25, 2007, I caused to be served by personal service on Bolivar Insurance and Real Estate, Inc. a true copy of the original summons and complaint, answer, cross-claims and Third-party summons and complaint in the above captioned action. (See attached Affidavit of Process Server).

I certify the above under penalty of perjury.

Dated: August 13, 2007.

By: /s/

Sung Yong Ahn (SA 3773)
PAK & CHO, P.C.
230 Park Avenue, Suite #1000
New York, NY 10169
Tel: (212) 268-3607

1222 Anderson Avenue
Fort Lee, New Jersey 07024
(201) 886-0200

Attorneys for Defendant and
Third-Party Plaintiff
Total Quality Logistics, Inc.

TOTAL QUALITY LOGISTICS, INC. THIRD PARTY PLAIN

Plaintiff(s)

- against -

Index No. 07-03731

AFFIDAVIT OF SERVICE

BOLIVAR INSURANCE AND REAL ESTATE INC., ET AL

Defendant(s)

THIRD PARTY SUMMONS,
COMPLAINT, COVER SHEET

STATE OF NEW YORK: COUNTY OF NEW YORK

ss:

GEORGE RUSH

BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY
TO THIS ACTION AND IS OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

That on 07/03/07 at 0002PM Hours at C/O SUPT. OF INSURANCE 25 BEAVER STREET NEW YORK, NEW YORK 10004
deponent served the within THIRD PARTY SUMMONS, COMPLAINT, COVER SHEET

on

CANAL INSURANCE CO.

therein named,

INDIVIDUAL

A ☐

by delivering a true copy of each to said personally; deponent knew the person so served to be the person described as said person therein. ☐ (S) He identified (her) himself as such.

CORPORATION

B ☐

a (domestic) ^{XXX} (foreign) corporation by delivering thereat a true copy of each to personally, deponent knew said corporation so served to be the corporation described in legal papers and knew said individual to be **MANAGING AGENT**

TEIKO OMORI

SUITABLE
AGE PERSON

C ☐

by delivering thereat a true copy of each to a person of suitable age and discretion. Said premises is recipient's (actual place of business) (dwelling house) (usual place of abode) within the state. ☐ (S) He identified (her) himself as of recipient

AFFIXING TO
DOOR, ETC.

D ☐

by affixing a true copy of each to the door of said premises, which is recipient's (actual place of business) (dwelling house) (usual place of abode) within the state. Deponent was unable, with due diligence to find recipient or a person of suitable age and discretion, thereat, having called there on the dates below:

Service upon the N.Y.S. Superintendent of Insurance and
tendering a fee of \$40.00

MAILING
USE WITH
C or D

☐

Deponent also enclosed a copy of same in a postpaid sealed wrapper properly addressed to the above recipient at

said wrapper in (a post office) official depository under exclusive care and custody of the United States Postal Service within New York State.

Deponent further states that he describes the person actually served as follows

Sex	Skin Color	Hair Color	Age (Approx.)	Height (Approx.)	Weight (Approx.)
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FEMALE	YELLOW	WHITE	57	5' 5	160
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GLASSES

MILITARY
SERVICE

☐

Above person has asked, whether the recipient (s) was (were) in the military service of the State of New York or the United States and received a negative reply. Upon information and belief based upon the conversation and observation as aforesaid deponent avers that the recipient (s) is (are) not in the military service of the State of New York or the United States as that term is defined in the statutes of the State of New York or the Federal Soldiers and Sailors Civil Relief Act.

That at the time of such service deponent knew the person (s) so served as aforesaid to be the same person (s) mentioned and described as the defendant(s) in this action.

USE IN
NYC CIVIL CT.

☐

The language required by NYCRR 2206.2(e), (f) & (h) was set forth on the face of said summons (es).

Sworn to before
me on the

07/05/07

SANDRA FARRON

Notary Public, State of New York
No. 01FA4784241
Qualified in Nassau County
Commission Expires Sept. 30, 2009

GEORGE RUSH

LICENSE No.

791 734

110613

STATE OF NEW YORK
INSURANCE DEPARTMENT
One Commerce Plaza
Albany, NY 12257

STATE OF NEW YORK
District Court, Southern District of New York

.....
Total Quality Logistics, Inc., etal.

07-03731

against

Third Party Plaintiff(s)

Bolivar Insurance and Real Estate, Inc., and
Canal Insurance Company

Third Party Defendant(s)

.....
RE : Canal Insurance Company

Attorney for Third Party Plaintiff(s) and Third Party Defendant please take notice as follows:

Sirs :

Attorney for Third Party Plaintiff(s) is hereby advised of acknowledgement of service upon me of Summons and Third Party Complaint in the above entitled action on July 3, 2007 at New York, New York. The \$40 fee is also acknowledged.

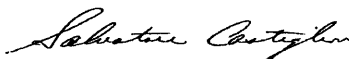
Original to Attorney for Third Party Plaintiff(s) :

Pak & Cho, P.C.
230 Park Avenue, Suite #1000
New York, New York 10169

Pursuant to the requirement of section 1212 of the Insurance Law, Third Party Defendant is hereby notified of service as effected above. A copy of the paper is enclosed.

Duplicate to Third Party Defendant :

Charles M. Timmons, Jr., President
Canal Insurance Company
400 East Stone Avenue
Greenville, South Carolina 29601



by Salvatore Castiglione
Assistant Deputy Superintendent & Chief

Dated Albany, New York, July 06, 2007

415640 C.A.#186002

Affidavit of Process Server

(NAME OF COURT)

SNDY #07-03731

PLAINTIFF/PETITIONER

VS

DEFENDANT/RESPONDENT

CASE NUMBER

I Jeremy Ballinger, being first duly sworn, depose and say: that I am over the age of 18 years and not a party to this action, and that within the boundaries of the state where service was effected, I was authorized by law to perform said service.

Service: I served Bolivar Insurance Co.

NAME OF PERSON / ENTITY BEING SERVED

with (list documents) Complaint, Answer, Cross-Claims, 3rd Party Complaint, 3rd Party Summonsby leaving with Robert I. Sain Registered Agent At

NAME

RELATIONSHIP

☐ Residence

ADDRESS

CITY / STATE

☒ Business 800 West Market St. Bolivar, TN 38008

ADDRESS

CITY / STATE

On July 25, 2007 AT 10:20 am.

DATE

TIME

Thereafter copies of the documents were mailed by prepaid, first class mail on

DATE

from

CITY

STATE

ZIP

Manner of Service:☒ **Personal:** By personally delivering copies to the person being served.☐ **Substituted at Residence:** By leaving copies at the dwelling house or usual place of abode of the person being served with a member of the household over the age of _____ and explaining the general nature of the papers.☒ **Substituted at Business:** By leaving, during office hours, copies at the office of the person/entity being served with the person apparently in charge thereof.☐ **Posting:** By posting copies in a conspicuous manner to the front door of the person/entity being served.

Non-Service: After due search, careful inquiry and diligent attempts at the address(es) listed above, I have been unable to effect process upon the person/entity being served because of the following reason(s):

☐ Unknown at Address ☐ Moved, Left no Forwarding ☐ Service Cancelled by Litigant ☐ Unable to Serve in Timely Fashion
☐ Address Does Not Exist ☐ Other _____

Service Attempts: Service was attempted on: (1) _____ (2) _____

DATE

TIME

DATE

TIME

(3) _____ (4) _____ (5) _____

DATE

TIME

DATE

TIME

DATE

TIME

Description: Age 45 Sex M Race WH Height 6'0" Weight 185 Hair Br Beard No Glasses No

SIGNATURE OF PROCESS SERVER

SUBSCRIBED AND SWORN to before me this 25 day of July, 2007

SIGNATURE OF NOTARY PUBLIC

NOTARY PUBLIC for the state of Tennessee

STATE OF NEW YORK
INSURANCE DEPARTMENT
One Commerce Plaza
Albany, NY 12257

STATE OF NEW YORK
District Court, Southern District of New York

.....
Total Quality Logistics, Inc.

07-03731

against

Third Party Plaintiff(s)

Bolivar Insurance and Real Estate, Inc., and
Canal Insurance Company

Third Party Defendant(s)

.....
RE : Canal Insurance Company

Attorney for Third Party Plaintiff(s) and Third Party Defendant please take notice as follows:

Sirs :

Attorney for Third Party Plaintiff(s) is hereby advised of acknowledgement of service upon me of Third Party Complaint, etc. in the above entitled action on July 23, 2007 at New York, New York. The \$40 fee is also acknowledged.

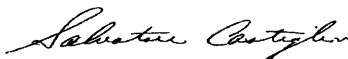
Original to Attorney for Third Party Plaintiff(s) :

Pak & Cho, P.C.
1222 Anderson Avenue
Fort Lee, New Jersey 07024

Pursuant to the requirement of section 1212 of the Insurance Law, Third Party Defendant is hereby notified of service as effected above. A copy of the paper is enclosed.

Duplicate to Third Party Defendant :

Charles M. Timmons, Jr., President
Canal Insurance Company
400 East Stone Avenue
Greenville, South Carolina 29601



by Salvatore Castiglione
Assistant Deputy Superintendent & Chief

Dated Albany, New York, July 25, 2007

417111 C.A.#186456